

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF IOWA
CENTRAL DIVISION**

<p>LLOYD L. LOFTON, III, JOSHUA DILLON BATES, and DANEIL R. WAGNER,</p> <p style="text-align: center;">Plaintiffs,</p> <p>v.</p> <p>STATE OF IOWA, KENNETH KERR, COURTNEY M. KAY-DECKER, AND BETTY MATHIS,</p> <p style="text-align: center;">Defendants.</p>	<p style="text-align: center;">CASE NO. 4:17-cv-301 (State Court Case No. LACL138477)</p> <p style="text-align: center;">NOTICE OF REMOVAL TO FEDERAL COURT</p>
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COME NOW Defendants State of Iowa, Courtney M. Kay-Decker, and Betty Mathis (collectively “State Defendants”) and hereby file this Notice of Removal, removing this case to federal court.

1. Plaintiffs filed the Petition in the Iowa District Court for Polk County, Case No. LACL138477, on July 19, 2017. The State Defendants were served on July 26, 2017. The documents filed in the state case are attached. *See* 28 U.S.C. § 1446(a); LR 81(a). No other pleadings have been filed in the Iowa District Court for Polk County.

2. Upon information and belief, Defendant Kenneth Kerr has not yet been served. Therefore, he is not a defendant “properly joined and served” as contemplated by 28 U.S.C. § 1446(b)(2)(A) and need not join in or consent to the removal of this action.

3. In Count VI, the Petition alleges in part that the State Defendants violated the First, Fourth, Fifth and Fourteenth Amendments to the United States Constitution. Pet. and Jury Demand, ¶ 88.

4. This Court has original subject matter jurisdiction over the federal questions presented by Count VI's federal constitutional claims pursuant to 28 U.S.C. § 1331, and the case may be removed pursuant to 28 U.S.C. § 1441(a).

5. This Court has supplemental jurisdiction over the remaining state law claims pursuant to 28 U.S.C. § 1367(a), and thus they may also be removed.

6. Removal is proper to the United States District Court, Southern District of Iowa, Central Division, as this is the district and division embracing the place where such action is pending. *See* 28 U.S.C. § 1441(a).

7. Removal is timely pursuant to 28 U.S.C. § 1446(b)(1).

8. The name of counsel that have appeared in state court for Plaintiffs, with the law firm and contract information, are in the last signature block below. *See* LR 81(a).

9. State Defendants will also file a copy of this Notice of Removal and attachments in state court pursuant to 28 U.S.C. § 1446(d).

WHEREFORE, State Defendants pray that this matter be removed to the United States District Court for the Southern District of Iowa, Central Division, and be docketed accordingly.

Respectfully submitted,

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Proof of Service

The undersigned certifies that the foregoing instrument was served upon each of the persons identified as receiving a copy by delivery in the following manner on August 11, 2017.

- | | |
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| <input type="checkbox"/> U.S. Mail | <input type="checkbox"/> FAX |
| <input type="checkbox"/> Hand Delivery | <input type="checkbox"/> Overnight Courier |
| <input type="checkbox"/> Federal Express | <input type="checkbox"/> Other |
| <input checked="" type="checkbox"/> Electronically | |

Signature: /s/Kristin McManus